

## REMARKS/ARGUMENTS

This is a response to the Final Office Action dated September 9, 2009. Claims 3 and 14 have been amended. Upon entry of this amendment, claims 1-17 and 19-20 will be pending in the present application.

Claim 3 has been amended to clarify that the method involves positioning a set of mirrors to reflect a set of pixels representing locations of a scene and repositioning said set of mirrors to reflect a different set of pixels representing different locations of a scene. Basis for this amendment may be found, for example, at page 5, lines 28-33 and page 6, lines 1-2, 24-33 and page 7, line 1 of the specification as originally filed.

Claim 14 has been amended to correct an issue of antecedent basis.

In view of the following remarks, Applicant respectfully requests favorable consideration, withdrawal of the rejections and issuance of a Notice of Allowance.

### ***1. Interview Summary***

On November 5, 2009 Applicant's representative, Grace Doe, contacted Patent Examiner John M. Villecco by telephone to discuss the Office Action dated September 9, 2009 in the above cited patent application.

Applicant's representative and the Examiner discussed the wording of claim 3. The Examiner raised a concern that the claim language, "positioning mirrors of a micromirror array to reflect a set of pixels" and "repositioning said mirrors to reflect a different set of pixels," did not make sufficiently clear that the aforementioned steps were conducted using the same set of mirrors of the micromirror array. The Examiner indicated that amending the claim to require "positioning a set of mirrors of a micromirror array to reflect a set of pixels" and "repositioning said set of mirrors to reflect a different set of pixels" would clarify that different sets of pixels can be reflected using the same set of mirrors of the micromirror array by virtue of repositioning the mirrors and would place claim 3 and all claims dependent therefrom in condition for allowance.

No exhibits or demonstrations were shown. No other arguments regarding patentability and no other claims were discussed. The Examiner indicated that the proposed claim amendment would place the claims in condition for allowance and that no further search and examination would be necessary.

**2. *Allowed Claims***

Applicant wishes to thank the Examiner for indicating the allowance of claims 1-2 and 4-12.

**3. *The Prior Art Rejection***

Claims 3, 13-17 and 19-20 have been rejected, pursuant to 35 U.S.C. §103(a), as being obvious over U.S. Patent No. 5,212,555 (Stoltz). Applicant respectfully submits that Stoltz does not set forth a *prima facie* case of obviousness because Stoltz fails to disclose: repositioning said set of mirrors of the micromirror array to reflect a different set of pixels representing different locations of a scene.

Rather, Stoltz merely discloses an imaging system including a deformable mirror device (DMD) 11 having a plurality of mirror elements 41 that reflect light from an object. Optical sensors 15 are required to receive and convert the reflected light to electrical energy. While the mirror elements 41 are movable by a torsion beam, cantilever supports or elastomer/membrane designs, they are only designed to assume two positions: an “on position” wherein light is directed towards a sensor and an “off position” wherein light is directed away from the sensor (See Stoltz col. 3, lines 45-51, 65-68; col. 4, lines 1-4). In operation, sensor 15 detects light reflected from each of the mirror elements 41 one or two mirrors at a time in a predetermined sequence until all the pixels of an image frame have been analyzed (See Stoltz col. 4, lines 65-68; col. 5, lines 1-2). Each mirror element 41 reflects only one designated pixel of a particular image (See Stoltz col. 4, lines 61-64). Moreover, the Examiner has previously conceded that Stoltz “fails to teach or reasonably suggest that each mirror [of a micromirror array] is capable of [being repositioned so as to] ... reflect different sets of pixels representing locations of the scene” (See Office Action, page 5).

The Examiner, however, has rejected claim 3 in view of the embodiment described in Fig. 4 of Stoltz, asserting that it is not clear that previously presented claim 3 expressly requires that the same set of mirrors positioned to reflect a first set of pixels are subsequently repositioned to reflect a second different set of pixels (See Office Action, page 2). To address the Examiner’s concern, claim 3 has since been amended to require positioning a set of mirrors of a micromirror array to reflect a set of pixels representing locations of a scene and subsequently repositioning the

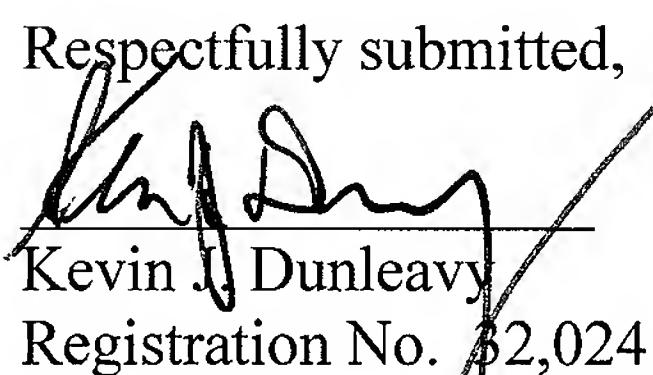
same set of mirrors to reflect a different set of pixels representing different locations of a scene. The sole purpose of adding the terminology “a set of mirrors” and said “set of mirrors” to claim 3 is to clarify that method steps (a) and (d) refer to the same set of mirrors of the micromirror array; and, as a result, the action of reflecting a first set of pixels and reflecting a different set of pixels is performed using the same set of mirrors of the micromirror array. As the Examiner indicated during the interview on November 5, 2009 that the proposed claim amendments would place claim 3 and all claims dependent therefrom in condition for allowance, Applicant respectfully requests withdrawal of the rejection in view of Stoltz and issuance of a Notice of Allowance.

**4. Conclusion**

Applicant has made an earnest effort to place this application in condition for allowance. If the Examiner feels that a telephone interview would expedite prosecution of this patent application, he is respectfully invited to telephone the undersigned at 215-599-0600.

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